

# Notice of Allowability

Application No.

09/774,538

Examiner

Peter Choi

Applicant(s)

ABRAHAMS ET AL.

Art Unit

3623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to examiner's amendment in response to telephonic interview with Applicant's representative.
2. ☒ The allowed claim(s) is/are 1,4-11 and 14-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
TARIQ H. YAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Retter on August 17, 2007.

In the claims: The claims are as follows:

1. (Currently amended) A system, comprising:
  - a) a knowledge base, for maintaining a generic risk record including a plurality of fields at least some of which have subjective or quantitative values for risk, with the subjective values synchronized to numerical values, and at least some of which have been determined as an average of corresponding subjective or quantitative risk values in completed projects or processes;
  - b) a data store of profiles, for maintaining a profile risk record associated with a particular profile for a particular project or process, and including the same plurality of fields as the generic risk record, the profile risk record for use in providing a risk assessment in the associated profile for the particular project or process; and
  - c) a risk processor, for updating at least one of the subjective or quantitative values of the generic risk record based on a corresponding field value in the profile risk

record in the data store of profiles, by averaging into the at least one value of the generic risk record the corresponding field value in the profile risk record;

whereby at least some of the subjective or quantitative values of the generic risk record are refined over time based on values of the corresponding fields of the profile risk record for the particular project or process;

wherein some of the subjective or quantitative values are values of measuring fields input by the user, and others are values of calculated fields calculated by the system, and the system allows different modes of analysis in which the fields that are the measuring fields differ;

wherein the modes of analysis include:

a residual assessment mode, in which a user selects inherent values of likelihood and consequence for a risk, and a value, for each control for the risk, for effectiveness in either preventing the risk or reducing the consequence of the risk, and the system then calculates residual levels of likelihood, consequence and risk rating for the risk;

an inherent assessment mode, in which a user selects residual values of likelihood and consequence for a risk, and a value, for each control for the risk, for effectiveness in either preventing the risk or in reducing the consequence of the risk, and the system then calculates the inherent levels of likelihood, consequence and risk rating for the risk; and

a controls self-assessment mode, in which a user selects inherent values of likelihood and consequence for a risk, as well as residual values of likelihood and consequence for the risk, and the system then calculates the effectiveness of

Art Unit: 3623

predetermined controls needed to either prevent the risk or to reduce the consequence of the risk.

2-3. Canceled.

4. (Previously presented) The system of claim 1, wherein the system can be used in different modes of use, and further wherein only some of the fields of the generic risk record or the profile risk record are required to be used in a risk management analysis, and which of the fields are required depends on the mode of use.

5. (Previously presented) The system of claim 4, wherein both the generic risk record and the profile risk record each comprise:

a) a risk component, for indicating a risk, for indicating an inherent risk rating, and also for indicating a residual risk rating;

b) a cause component, for indicating the cause of the risk;

c) a consequence component, for indicating a particular consequence of the risk and an inherent and a residual cost of the particular consequence; and

d) a control component, for indicating a control, for indicating whether the control is corrective or preventive, and for indicating the effectiveness of the control.

6. (Previously presented) The system of claim 5, wherein in one mode of use an inherent risk impact cost is aggregated over the inherent cost of each consequence of the risk.

7. (Previously presented) The system of claim 5, wherein in one mode of use the residual likelihood is an aggregate calculation based on the effectiveness of each preventive control acting on an inherent likelihood.

8. (Previously presented) The system of claim 5, wherein in one mode of use a residual risk impact cost is aggregated over the residual cost of each consequence of the risk.

9. (Original) The system of claim 1, further comprising a scripting facility for enabling a user to create a script directing how a risk management process is to be performed, the script indicating steps that can be used in performing risk analysis in any profile.

10. (Previously presented) The system of claim 1, further wherein the risk processor also uses the generic risk record to provide initial values for the profile risk record, whereby the profile risk record has initial values based on experience gained over time.

11. (Currently amended) A method, comprising:

a) a step of maintaining in a knowledge base a generic risk record including a plurality of fields at least some of which have subjective or quantitative values for risk, with the subjective values synchronized to numerical values, and at least some of which have been determined as an average of corresponding subjective or quantitative risk values in completed projects or processes;

b) a step of maintaining in a data store of profiles a profile risk record associated with a particular profile for a particular project or process, and including the same

plurality of fields as the generic risk record, the profile risk record for use in providing a risk assessment in the associated profile for the particular project or process; and

c) a step of updating at least one of the subjective or quantitative values of the generic risk record based on a corresponding field value in the profile risk record in the data store of profiles, by averaging into the at least one value of the generic risk record the corresponding field value in the profile risk record;

whereby at least some of the subjective or quantitative values of the generic risk record are refined over time based on values of the corresponding fields of the profile risk record for the particular project or process;

wherein some of the subjective or quantitative values are values of measuring fields input by the user, and others are values of calculated fields calculated by the system, and the method allows different modes of analysis in which the fields that are the measuring fields differ;

wherein the modes of analysis include:

a residual assessment mode, in which a user selects inherent values of likelihood and consequence for a risk, and a value, for each control for the risk, for effectiveness in either preventing the risk or reducing the consequence of the risk, and the method then calculates residual levels of likelihood, consequence and risk rating for the risk;

an inherent assessment mode, in which a user selects residual values of likelihood and consequence for a risk, and a value, for each control for the risk, for effectiveness in either preventing the risk or in reducing the consequence of the risk,

Art Unit: 3623

and the method then calculates the inherent levels of likelihood, consequence and risk rating for the risk; and

a controls self-assessment mode, in which a user selects inherent values of likelihood and consequence for a risk, as well as residual values of likelihood and consequence for the risk, and the method then calculates the effectiveness of predetermined controls needed to either prevent the risk or to reduce the consequence of the risk.

12-13. Canceled.

14. (Previously presented) The method of claim 11, wherein the method can be used in different modes of use, and further wherein only some of the fields of the generic risk record or the profile risk record are required to be used in a risk management analysis, and which of the fields are required depends on the mode of use.

15. (Previously presented) The method of claim 14, wherein both the generic risk record and the profile risk record each comprise:

- a) a risk component, for indicating a risk, for indicating an inherent risk rating, and also for indicating a residual risk rating;
- b) a cause component, for indicating the cause of the risk;
- c) a consequence component, for indicating a particular consequence of the risk and an inherent and a residual cost of the particular consequence; and

d) a control component, for indicating a control, for indicating whether the control is corrective or preventive, and for indicating the effectiveness of the control.

16. (Previously presented) The method of claim 15, wherein in one mode of use an inherent risk impact cost is aggregated over the inherent cost of each consequence of the risk.

17. (Previously presented) The method of claim 15, wherein in one mode of use the residual likelihood is an aggregate calculation based on the effectiveness of each preventive control acting on an inherent likelihood.

18. (Previously presented) The method of claim 15, wherein in one mode of use a residual risk impact cost is aggregated over the residual cost of each consequence of the risk.

19. (Previously presented) The method of claim 11, further comprising a step of using a scripting facility to enable a user to create a script directing how a risk management process is to be performed, the script indicating steps that can be used in performing risk analysis in any profile.

20. (Previously presented) The method of claim 11, further wherein the risk processor also uses the generic risk record to provide initial values for the profile risk record, whereby the profile risk record has initial values based on experience gained over time.



***Allowable Subject Matter***

2. Claims 1, 4-11, and 14-20 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The cited prior art, taken alone or in combination, fails to teach the claimed invention as set forth in claims 1, 4-11 and 14-20.

As presented in amended claim 1, the claimed invention teaches a system comprising:

- a) a knowledge base, for maintaining a generic risk record including a plurality of fields at least some of which have subjective or quantitative values for risk, with the subjective values synchronized to numerical values, and at least some of which have been determined as an average of corresponding subjective or quantitative risk values in completed projects or processes;
- b) a data store of profiles, for maintaining a profile risk record associated with a particular profile for a particular project or process, and including the same plurality of fields as the generic risk record, the profile risk record for use in providing a risk assessment in the associated profile for the particular project or process; and
- c) a risk processor, for updating at least one of the subjective or quantitative values of the generic risk record based on a corresponding field value in the profile risk

Art Unit: 3623

record in the data store of profiles, by averaging into the at least one value of the generic risk record the corresponding field value in the profile risk record;

whereby at least some of the subjective or quantitative values of the generic risk record are refined over time based on values of the corresponding fields of the profile risk record for the particular project or process;

wherein some of the subjective or quantitative values are values of measuring fields input by the user, and others are values of calculated fields calculated by the system, and the system allows different modes of analysis in which the fields that are the measuring fields differ;

wherein the modes of analysis include:

a residual assessment mode, in which a user selects inherent values of likelihood and consequence for a risk, and a value, for each control for the risk, for effectiveness in either preventing the risk or reducing the consequence of the risk, and the system then calculates residual levels of likelihood, consequence and risk rating for the risk;

an inherent assessment mode, in which a user selects residual values of likelihood and consequence for a risk, and a value, for each control for the risk, for effectiveness in either preventing the risk or in reducing the consequence of the risk, and the system then calculates the inherent levels of likelihood, consequence and risk rating for the risk; and

a controls self-assessment mode, in which a user selects inherent values of likelihood and consequence for a risk, as well as residual values of likelihood and consequence for the risk, and the system then calculates the effectiveness of

Art Unit: 3623

predetermined controls needed to either prevent the risk or to reduce the consequence of the risk.

The closest prior art on record, Mulholland, does not explicitly teach a residual assessment mode, an inherent assessment mode, or a controls self-assessment mode, or the step of averaging into at least one value of a generic risk record the corresponding field value in the profile risk record. Specifically, Mulholland does not teach the step of allowing a user to select inherent or residual values of likelihood and consequence for a risk, and a value, for each control for the risk, for effectiveness in either preventing the risk or reducing the consequence of the risk, and the system then calculates inherent or residual levels (respectively) of likelihood, consequence and risk rating for the risk. Mulholland also does not explicitly teach a controls self-assessment mode, in which a user selects inherent values of likelihood and consequence for a risk, as well as residual values of likelihood and consequence for the risk, and the system then calculates the effectiveness of predetermined controls needed to either prevent the risk or to reduce the consequence of the risk. While Mulholland teaches the step of refining some of the subjective or quantitative values of the generic risk record based on values observed for a particular project or process, Mulholland does not explicitly teach the step of averaging observed values into the corresponding field value of the generic risk record to provide a new baseline value in a generic risk record template.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Deo (WO 00/54186A1) teaches a system and method for risk assessment and management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

August 17, 2007

  
TARIQ R. NAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600